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Co., 121 Fed. 915. See *California Commercial Association v. Wells, Fargo & Co.*, 14 Interst. C. Rep. 422, 434; *Export Shipping Co. v. Wabash R. Co.*, 14 Interst. C. Rep. 437, 440. It is submitted, however, that the forwarding agents' real function is the collection and distribution of small shipments. For that they deserve compensation, and in that they are taking no unfair advantage of the railroads when they apply for carriage as members of the great body of shippers who must be served at reasonable and non-discriminatory rates.

CHOSSES IN ACTION — WHAT MAY BE ASSIGNED — ASSIGNMENT OF TORT ACTION. — The plaintiff in an action for assault assigned the moneys which he might recover to a third person for a valuable consideration. The moneys recovered were attached at the suit of creditors of the assignor by garnishment. *Held*, that the assignee of the moneys obtained no rights by the assignment. *Webber v. Gaffin*, 9 East. L. Rep. 277 (Nova Scotia, Sup. Ct., Jan. 7, 1911).

The general statement of the law is that only those rights of action which survive the person may be effectively assigned. See *Zabriskie v. Smith*, 13 N. Y. 322; 3 POMEROY, EQUITY JURISPRUDENCE, § 1275. At common law, all actions arising *ex delicto*, and some *ex contractu*, notably for breach of promise of marriage, died with the party injured. *Chamberlain v. Williamson*, 2 M. & S. 408. See WILLIAMS, EXECUTORS, 10 ed., 606. By the statute 4 Edw. III., c. 7, it was enacted that an executor might sue for injuries to the personal property of the deceased. So, in accordance with the principle above stated, an assignment of a right to sue in trespass or trover is valid. *North v. Turner*, 9 Serg. & R. (Pa.) 244; *Jordan v. Gillen*, 44 N. H. 424. For the same reason, a right of action based on a wrong to the person could not be assigned. *Pulver v. Harris*, 52 N. Y. 73 (assault); *Hunt v. Conrad*, 47 Minn. 557 (false imprisonment). Cf. *Howard v. Crowther*, 8 M. & W. 601 (seduction). A judgment obtained in a tort action is assignable on the theory that the claim has become a debt. *Williams v. West Chicago St. Ry.*, 199 Ill. 57. Modern statutes have effected a great relaxation in the law. In England the Judicature Act (1873), § 25 (6), makes all choses in action assignable. But see *May v. Lane*, 64 L. J. Q. B. 236. The same result has been attained in this country by enactments providing for the survival of personal actions. *Gray v. McCallister*, 50 Ia. 497 (malicious prosecution); *Stewart v. Lee*, 70 N. H. 181 (breach of promise of marriage).

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — NEW YORK WORKMEN'S COMPENSATION ACT. — A New York statute provided that for all personal injuries sustained by workmen in eight dangerous employments, the employer should be liable for compensation, unless the injury be "caused in whole or in part by the serious and willful misconduct of the workman." The statute fixed a scale of compensation, by which a multiple of the daily earnings of the workman was recoverable for death, and a fraction for each day of disability. *Held*, that the statute violates the "due process of law" clause in the State Constitution. *Ives v. South Buffalo Ry. Co.*, 201 N. Y. 271. See NOTES, p. 647.

CONSTITUTIONAL LAW — IMPAIRMENT OF THE OBLIGATION OF CONTRACTS — VALIDITY OF STATUTE PROHIBITING LIMITATION ON SUITS. — The plaintiff took out an insurance policy in the defendant company, the policy providing that action on it must be brought within six months after the loss. A statute was later passed making invalid provisions in policies limiting to less than a year the time within which suits must be brought. A loss then occurred and the plaintiff brought action more than six months afterwards. *Held*, that the plaintiff can recover, the statute not impairing the obligation of the con-